

AMENDED IN ASSEMBLY APRIL 27, 2010

AMENDED IN ASSEMBLY APRIL 15, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2469

Introduced by Assembly Member Bill Berryhill

February 19, 2010

An act to add Section 39615 to the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 2469, as amended, Bill Berryhill. State Air Resources Board: dispute resolutions.

Existing law authorizes the State Air Resources Board to regulate pollution from primarily vehicular sources, and designates the state board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases.

This bill would require the state board to adopt a process, *as an alternative to existing dispute resolution processes*, to resolve disputes regarding ~~any person's ability to comply with penalties proposed to be assessed for one or more violations of~~ specified air pollution requirements. *It would make this alternative process available only if certain requirements are met.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 39615 is added to the Health and Safety
2 Code, to read:
- 3 39615. (a) The state board shall adopt a process, *as an*
4 *alternative to existing dispute resolution processes*, to resolve
5 disputes regarding ~~any person's ability to comply with penalties~~
6 *proposed to be assessed for one or more violations of any*
7 requirement of Division 25.5 (commencing with Section 38500),
8 any requirement of this division administered by the state board,
9 or any rule, regulation, or order of the state board.
- 10 (b) *The state board shall make the process created pursuant to*
11 *subdivision (a) available only if the state board determines all of*
12 *the following requirements are met:*
- 13 (1) *The person seeking the dispute resolution has never*
14 *previously violated air pollution laws.*
- 15 (2) *The resolution of the dispute by the process created pursuant*
16 *to subdivision (a) would further the state board's statutory and*
17 *regulatory goals and responsibilities.*
- 18 (3) *The public interest in air quality and public health would*
19 *be at least as well protected as it would be if another process was*
20 *used to resolve the dispute.*
- 21 (c) *The determinations made by the state board pursuant to*
22 *subdivision (b) shall be matters of public record.*